

IN RE: PETITION FOR ZONING VARIANCE
SW/3 Bellona Avenue, 196' SE
of the c/l of Rodgers Forge Road
(6806 Bellona Avenue)
9th Election District
4th Councilmanic District
Mercy Villa, Inc.
Petitioners

BEFORE THE
DEPUTY ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 90-79-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance to permit a building elevation width of 345 feet in lieu of the maximum permitted 300 feet, in accordance with Petitioner's Exhibit 1

The Petitioners, by Sister Kathleen Steinkamp, Project Director, appeared, testified, and were represented by Thomas M. Biddison, Jr., Esquire. Also appearing on behalf of the Petition was Michael Hale of Edmunds and Hyde, Inc., Architects. There were no Protestants.

Testimony indicate that the subject property, known as 6806 Bellona Avenue, consists of 11.5 acres zoned D.R. 3.5 and is located off of Bellona Avenue in Rodgers Forge. Said property is the site of Mercy Villa which has served as a convent for retired members of the Sisters of Mercy since 1974. The Sisters of Mercy and the Mission Helpers of the Sacred Heart are desirous of constructing an addition to the existing building to accommodate the joint retirement project of the two Orders. Testimony indicated the requested variance is necessary in order to construct an addition in keeping with the existing one story building and in an effort to meet the needs of the elderly by connecting access to the chapel dining room and activity center. Petitioners contend the granting of the variance will not result in any detriment to the health, safety or general welfare of the community. Further, Petitioners contend that to

deny the relief requested would result in practical difficulty in necessitating a multi-story building which would not be in the best interests of the surrounding residential community or meet the needs of the proposed elderly residents, for whom stairs are more difficult to maneuver. Testimony and photographs presented evidenced the property line along the side of the proposed addition is heavily screened and landscaped with large trees and shrubs. Petitioners further noted that the Office of Planning has no objections to their proposal provided that construction access be limited to Bellona Avenue, which Petitioners indicated would not present a problem.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. *McLean v. Soley*, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variance is granted, such use as proposed would not be contrary to the spirit of the B.C.Z.R. and would not result in substantial detriment to the public health, safety, and general welfare.

- 2 -

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 14th day of September, 1989 that the Petition for Zoning Variance to permit a building elevation width of 345 feet in lieu of the maximum permitted 300 feet, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted:

- 1) The Petitioner may apply for its building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at its own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
- 2) Access to the site during construction of the addition shall be limited to Bellona Avenue.

ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

Tracking System

Date	Receipt	Fee	Identification Number	Council District	Election District	Zip Code
08/06/89	066374	02	01-6154	07	21212	
Petitioner: <u>Mercy Villa, Inc.</u> (Last) (First) (Middle Initial)						
Property Address: <u>6806 Bellona Avenue</u> (Number) (Street)						

BALTIMORE COUNTY, MARYLAND	No. 066374
OFFICE OF FINANCE - REVENUE DIVISION	
MISCELLANEOUS CASH RECEIPT	
DATE: 8/6/89	AMOUNT: \$100.00
PAY TO THE ORDER OF: <u>6806 Bellona Ave</u>	
FOR: <u>6806 Bellona Ave</u>	
SIGNATURE OF CAMPAIGNER: <u>[Signature]</u>	



SCALE	LOCATION	SHEET
1" = 200' ±	RODGERS FORGE	NW 8-A
DATE OF PHOTOGRAPHY		
JANUARY 1986		

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 897-3533
J. Robert Hines
County Executive

September 7, 1989

Thomas M. Biddison, Jr., Esquire
218 N. Charles Street
Baltimore, Maryland 21201

RE: PETITION FOR ZONING VARIANCE
SW/3 Bellona Avenue, 196' SE of the c/l of Rodgers Forge Road
(6806 Bellona Avenue)
9th Election District - 4th Councilmanic District
Mercy Villa, Inc. - Petitioners
Case No. 90-79-A

Dear Mr. Biddison:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

Very truly yours,

ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

ANN:bjs
cc: People's Counsel
File

PETITION FOR ZONING VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 1801.2.B.2 (B.C.Z.R.) and V.B.4.C. (C.M.D.P.) to allow for the proposed 345 ft. building elevation width in lieu of the permitted 300 feet max.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty)
Internal functional relationship is best served when new construction is an attached structure. Building is condensed so that site and setbacks are preserved to the greatest extent possible. Best serves the lifestyle needs of a religious order.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:	Legal Owner(s):
(Type or Print Name)	Mercy Villa, Incorporated
Signature	<u>[Signature]</u>
Address	M. Kathleen Steinkamp
City and State	(Type or Print Name)
	Signature

Attorney for Petitioner:	6806 Bellona Avenue	Phone No.
(Type or Print Name)	Address	21212
Signature	Baltimore, Md.	City and State
Address	Name, address and phone number of legal owner, contract purchaser or representative to be contacted	
City and State	Mike Hale Representative of	
	Name	
Attorney's Telephone No.	1025 St. Paul Street	727-3944
	Address	Phone No.

ORDERED By The Zoning Commissioner of Baltimore County, this 21st day of September, 1989, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 108, County Office Building in Towson, Baltimore County, on the 19th day of August, 1989, at 10 o'clock A.M.

J. Robert Hines
Zoning Commissioner of Baltimore County
(over)

Engineers-Architects-Planners

Date: 5/30/89

Land Description

The property of Mercy Villa Retirement Home is owned by Mercy Villa, Incorporated and is located on the east side of North Charles Street and is bounded by the west side of Bellona Avenue in Baltimore County, Maryland.

Beginning at a point on the furthest southeasterly corner of the parcel N28752.99 - W1251.48, binding to the west side of Bellona Avenue N29° 30' W 248 feet, to a point following Bellona Avenue N38° 30' W 198 feet, to the furthest northeasterly corner of the parcel N25° W 212 feet, S87° 30' W 770 feet, to a point S02° 30' E 475 feet, to a point N87° 30' E 8 feet, to the furthest southeasterly corner of the property S01° 15' W 125.3 feet to a point N84° 44' 20" E 670.18 feet to a point S05° 15' 40" E 62.38 feet to a point N6° 44' 20" E 300 feet to a closing point at the furthest southeasterly corner binding to Bellona Avenue N37° 44' 30" E 75 feet.

Mercy Villa property contains 0.86 acres of building area, 0.84 acres of paved area and 9.80± acres of open space having a total acreage of 11.5± acres. Present zoning of this parcel is DR-3.5.

*Coordinates and bearings referred to in this land description are from the system of coordinates established in the Baltimore County Metropolitan District.



WWW/MIRVILADES

5400 Shawnee Road • Suite 301 • Alexandria, VA 22312 • (703) 642-8100 • FAX (703) 642-8106

Mobile, AL Miami, FL Birmingham, AL Metairie, LA Panama City, FL Tampa, FL

OFF SIDE OF EXIST. RETIREMENT HOME. MLTS. TO INCLUDE CHAPEL & ACTIVITY ROOMS RENOVATIONS. GRADE KITCHEN ELEV. AS HVAC & ELECT AS PLANS. ANY ADD'L REQUIRE SEPARATE PERMIT. 197X97' 6X30=19,306 SF.

PROPOSED USE: RETIREMENT HOME+ADDITION+ALTERATION
EXISTING USE: RETIREMENT HOME

BLDG. CODE: BOCA CODE
RESIDENTIAL CATEGORY: OWNERSHIP: PRIVATELY OWNED
ESTIMATED COST OF MATERIAL AND LABOR: 2.7MILLION

TYPE OF IMPRV: ADDITION
USE: CHURCH, OTHER RELIGIOUS BUILDING
FOUNDATION: BLOCK
SEWAGE: PUBLIC EXIST
CONSTRUCTION: MASONRY
CENTRAL AIR: YES

BASEMENT: NONE
WATER: PUBLIC EXIST
FUEL: ELECTRICITY

SINGLE FAMILY UNITS
TOTAL 1 FAMILY BEDROOMS
MULTI FAMILY UNITS
EFFICIENCY (AND SEPARATE BEDROOMS): NO. OF 1 BEDROOM:
NO. OF 2 BEDROOMS: NO. OF 3 BEDROOMS OR MORE:
TOTAL NO. OF BEDROOMS: TOTAL NO. OF APARTMENTS:

PERMIT #: E036704

DIMENSIONS - INSTALL FIXTURES
BUILDING SIZE
GARBAGE DISP: FLOOR: 19306
POWDER ROOMS: WIDTH: 197
BATHROOMS: DEPTH: 97'6"
KITCHENS: HEIGHT: 30'
STORIES: 1

LOT NOS:
CORNER LOT:

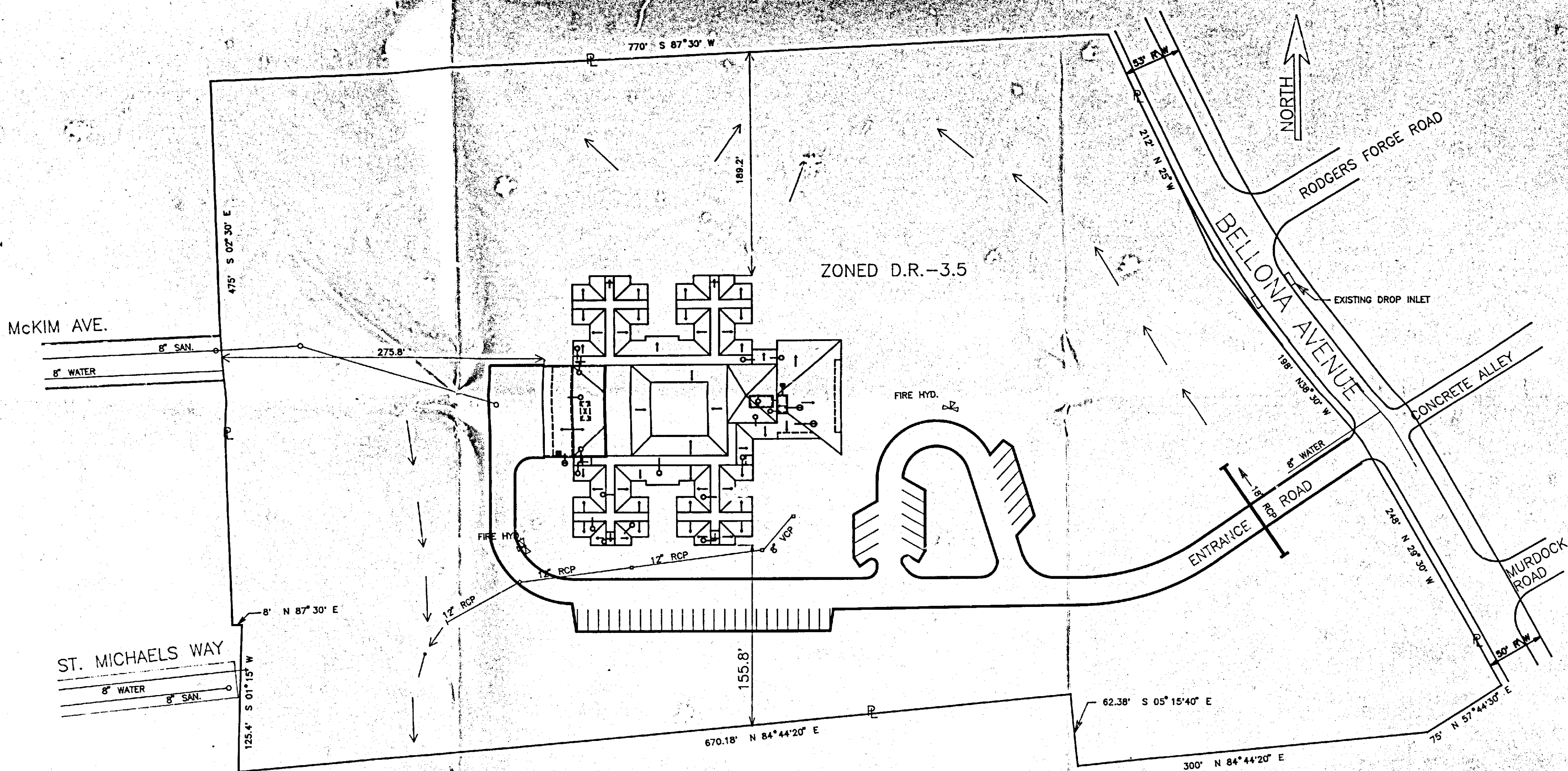
ASSESSMENTS:
LAND: 2471980.00
IMPROVEMENTS: 2196969.00
TOTAL ASS.:

PLANNING INFORMATION
MASTER PLAN AREA: SUBSEWERED: CRITICAL AREA:
DATE APPLIED: 11/66/89 INSPECTOR INITIALS: SH
FEE: \$2,641.00 PAID: \$2,641.00 RECEIPT #: AB1788
PAID BY: APPLICANT

(I HAVE CAREFULLY READ THIS APPLICATION AND KNOW THE SAME IS CORRECT AND TRUE. AND THAT IN DOING THIS WORK ALL PROVISIONS OF THE BALTIMORE COUNTY CODE AND APPROPRIATE STATE REGULATIONS WILL BE COMPLIED WITH WHETHER HEREIN SPECIFIED OR NOT AND WILL REQUEST ALL REQUIRED INSPECTIONS)

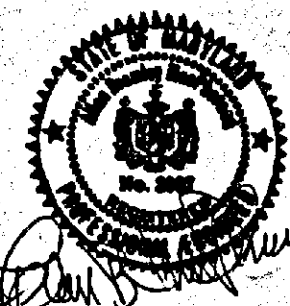
JJS
COMPANY OR OWNER

DATE



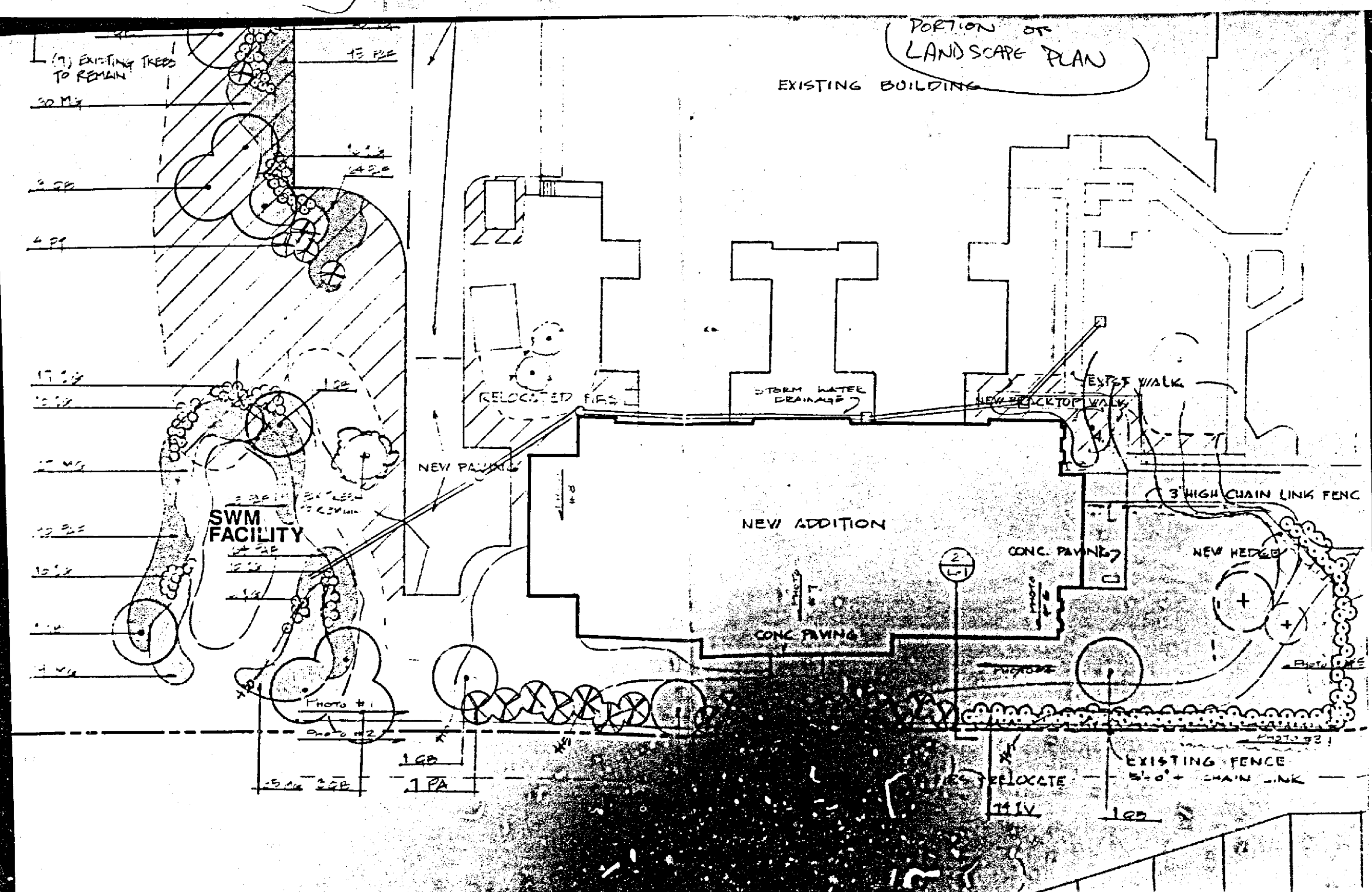
FOR PERMITTING PURPOSES ONLY

NOTE: BOUNDARY AND UTILITY INFORMATION WERE OBTAINED FROM EXISTING PROPERTY DEEDS AND SITE PLANS. A DETAILED BOUNDARY AND UTILITY SURVEY IS RECOMMENDED PRIOR TO STARTING FINAL DESIGN.

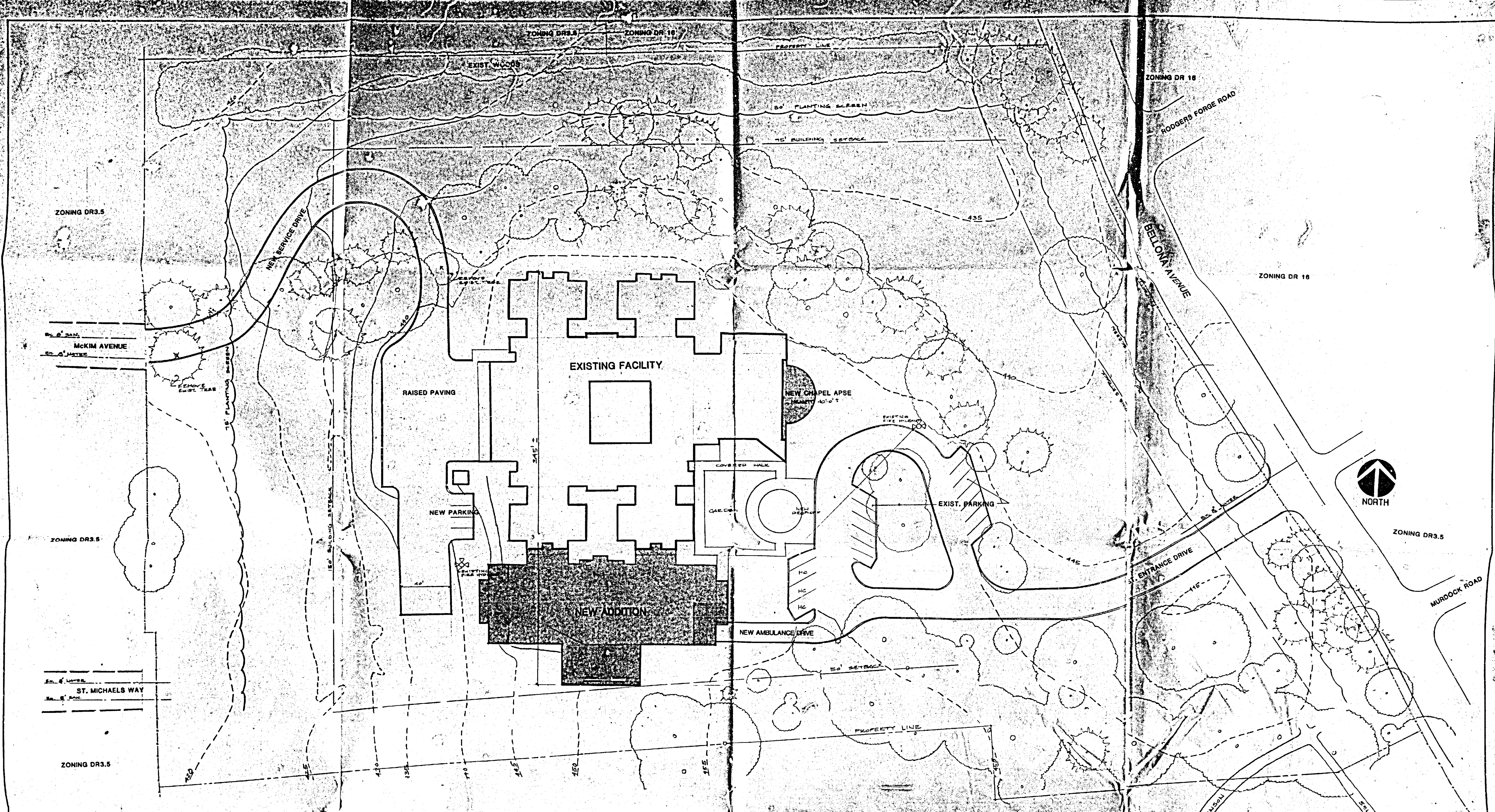


SCALE: 1" = 50'

SEAL	538
PROJECT	MERCY VILLA RETIREMENT HOME
EDMUNDS HYDE INCORPORATED	
DAVID VOLKERT & ASSOCIATES, INC. 5400 SHAWNEE ROAD • ALEXANDRIA, VA 22312	
DRAWING	PROPERTY PLAT
DRAWN: [Signature]	SHEET NO.: 1 OF 1
CHECKED: [Signature]	
DATE: 6-5-89	



CAPE PURPOSE ONLY



NOTES

1. EXISTING TREES TO REMAIN EXCEPT WHERE NOTED
2. SELECTIVE REMOVAL OF TREES OR DAMAGED TREES WILL OCCUR

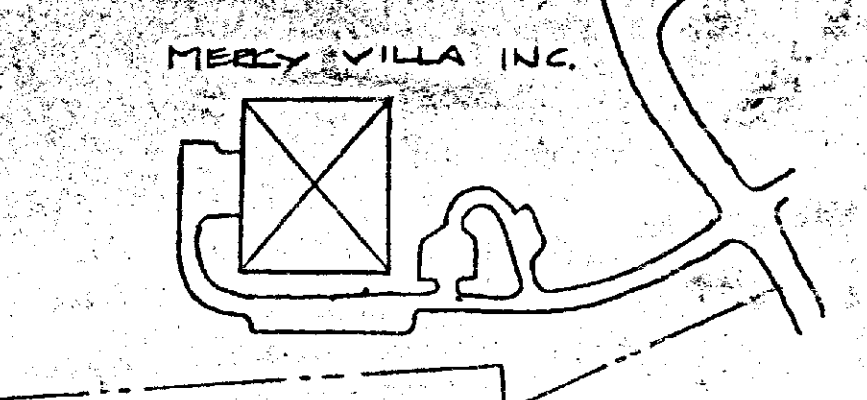
DATA

1. EXISTING ZONING — DR 3.5

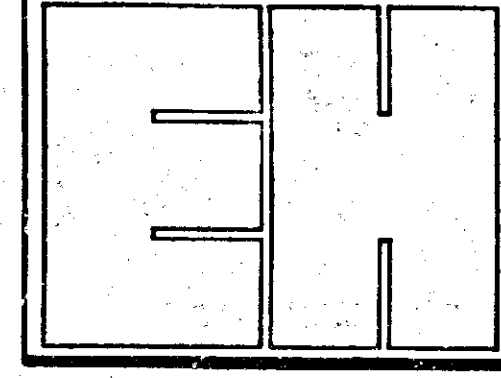
2. ACREAGE OF TRACT — 11.5[±]

3. PARKING REQUIREMENTS
 1 SPACE / 10 BEDS (EXIST.) = 5 SPACES
 3 SPACES / 10 BEDS (NEW) = 3 SPACES
 PROVIDED: 10' x 20' = 18 SPACES
 HC 13' x 20' = 2 SPACES

4. OPEN SPACE
 TOTAL ACREAGE 11.5[±]
 BUILDING AREA 1.01 ACRES
 ROADS & PARKING .7 ACRES
 % OPEN SPACE 85.13%



VICINITY MAP
N.T.S.



EDMUNDS & HYDE INC.
 ARCHITECTURE PLANNING
 INTERIOR DESIGN
 COMPUTER AIDED DESIGN
 1025 ST. PAUL STREET
 BALTIMORE MARYLAND 21202
 301/727-3944

CONSULTANTS
DAVID VOLKERT & ASSOCIATES, INC.
 MECH/ELEC. ENGINEERS
 1701 SANSBOURNE ROAD
 BETHESDA, MARYLAND 20816
 (301) 320-3100

PROJECT
MERCY VILLA RETIREMENT HOME
 SISTERS OF MERCY

DRAWING
PROPOSED SITE PLAN

SEAL
 COMMISSION 88039
 DATE MAY 4, 1989
 SCALE 1" = 30'-0"

SHEET NO.
SITE

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

COUNTY OFFICE BLDG.
111 W. Chesapeake Ave.
Towson, Maryland 21204

August 21, 1989

Thomas N. Biddison, Jr., Esquire
218 N. Charles Street
Baltimore, MD 21201RE: Item No. 538, Case No. 90-79-A
Petitioner: Mercy Villa, Inc.
Petition for Zoning Variance

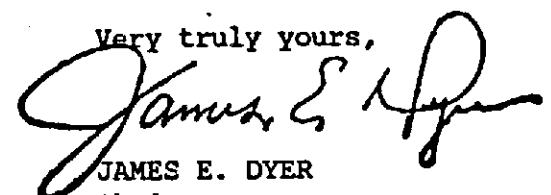
Dear Mr. Biddison:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

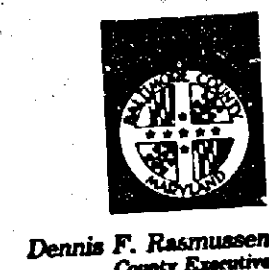
IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,

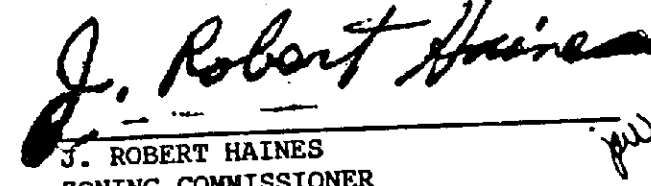

JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:jw

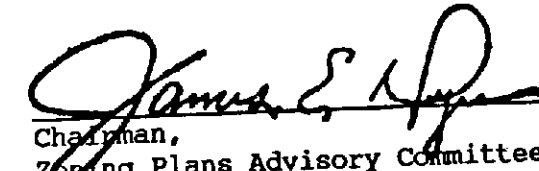
Enclosures

cc: Ms. M. Kathleen Steinkamp
Mr. Mike HaleBaltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353J. Robert Haines
Zoning Commissioner

Your petition has been received and accepted for filing this
21st day of June, 1989.


J. ROBERT HAINES
ZONING COMMISSIONER

Received By:


Chairman,
Zoning Plans Advisory Committee

Petitioner: Mercy Villa, Incorporated
Petitioner's Attorney: Thomas N. Biddison, Jr.

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines
Zoning Commissioner

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

SUBJECT: Mercy Villa, Inc., Item 538
Zoning Petition No. 90-79-A

DATE: August 30, 1989

The petitioner requests a variance to allow a 345 ft. building elevation width in lieu of the permitted 300 maximum.

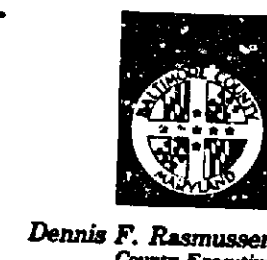
This office has no objection to the proposed variance, but recommends that construction access be limited to Bellona Avenue.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3480.

PK/JL/sf

Baltimore County
Department of Public Works
Bureau of Traffic Engineering
County Office Building, Suite 406
Towson, Maryland 21204
(301) 887-3554RECEIVED
AUG 31 1989
ZONING OFFICE

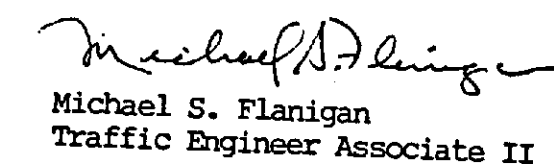
July 31, 1989

Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Towson, MD 21204

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for items number 534, 535, 536, 537, 538, 539, and 540.

Very truly yours,


Michael S. Flanagan
Traffic Engineer Associate II

MSF/lab

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

90-79-A

District: 9th Date of Posting: August 18, 1989

Posted for: Variance

Petitioner: Mercy Villa, Inc.

Location of property: SW/S of Bellona Avenue, 198' SE of c/l of Rodgers Forge Road

Location of Sign: SW/S of Bellona Avenue, at main entrance

Remarks: d.d. - Grant

Posted by: d.d. - Grant

Number of Signs: 1

Date of return: August 25, 1989

BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL
PROTECTION AND RESOURCE MANAGEMENT

Date: 7/10/89

Zoning Commissioner
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204

Zoning Item # 538, Zoning Advisory Committee Meeting of June 20, 1989

Property Owner: Mercy Villa, Inc.

Location: SW/S of Bellona Ave. District: 9th

Water Supply: Metro Sewage Disposal: Metro

COMMENTS ARE AS FOLLOWS:

- () Prior to approval of a Building Permit for construction, renovation and/or installation of equipment for any existing or proposed food service facility, complete plans and specifications must be submitted to the Plans Review Section, Bureau of Regional Community Services, for final review and approval.
- () Prior to new installation(s) of fuel burning equipment, the owner shall contact the Bureau of Air Quality Management, 887-3775, to obtain requirements for such installation(s) before work begins.
- () A permit to construct from the Bureau of Quality Management is required for such items as spray paint processes, underground gasoline storage tank(s) (5,000 gallons or more) and any other equipment or process which exhausts into the atmosphere.
- () A permit to construct from the Bureau of Air Quality Management is required for any charbroiler generation which has a total cooking surface area of five (5) square feet or more.
- () Prior to approval of a Building Permit Application for renovations to existing or construction of new health care facilities, complete plans and specifications of the building, food service area and type of equipment to be used for the food service operation must be submitted to the Plans Review and Approval Section, Division of Engineering and Maintenance, State Department of Health and Mental Hygiene for review and approval.
- () Prior to any new construction or substantial alteration of public swimming pool, wading pool, bathhouse, saunas, whirlpools, hot tubs, water and sewerage facilities or other appurtenances pertaining to health and safety, two (2) copies of plans and specifications must be submitted to the Baltimore County Department of Environmental Protection and Resource Management for review and approval. For more complete information, contact the Water Quality Monitoring Section, Bureau of Regional Community Services, 687-6300 x 315.
- () Prior to approval for a nursery school, owner or applicant must comply with all Baltimore County regulations for more complete information, contact the Division of Maternal and Child Health.
- () If lubrication work and oil changes are performed at this location, the method providing for the elimination of waste oil must be in accordance with the State Department of the Environment.
- () Prior to razing of existing structure(s), petitioner must contact the Division of Waste Management at 887-3745, regarding removal and/or disposal of potentially hazardous materials and solid wastes. Petitioner must contact the Bureau of Air Quality Management regarding removal of asbestos, 887-3775.
- () Any abandoned underground storage tanks containing gasoline, waste oil, solvents, etc., must have the contents removed by a licensed hauler and tank removed from the property or properly backfilled. Prior to removal or abandonment, owner must contact the Division of Waste Management at 887-3745.
- () Soil percolation tests, have been conducted, must be conducted.
- () The results are valid until _____.
- () Soil percolation test results have expired. Petitioner should contact the Division of Water and Sewer to determine whether additional tests are required.
- () Where water wells are to be used as a source of water supply, a well meeting the minimum Baltimore County Standards must be drilled.
- () In accordance with Section 13-117 of the Baltimore County Code, the water well yield test () shall be valid until _____.
- () is not acceptable and must be retested. This must be accomplished prior to conveyance of property and approval of Building Permit Applications.
- () Prior to occupancy approval, the potability of the water supply must be verified by collection of bacteriological and chemical water samples.
- () If submission of plans to the County Review Group is required, a Hydrogeological Study and an Environmental Effects Study must be submitted. For more information contact the Division of Environmental Management at 887-3500.
- () In order to subdivide this property, the owner or developer will be required to comply with the subdivision regulations of the State of Maryland and Baltimore County. If there are any questions regarding the subdivision process, please contact the Land Development Section at 887-2762.
- () Others _____


BUREAU OF WATER QUALITY AND RESOURCE
MANAGEMENTBaltimore County
Fire Department
800 York Road
Towson, Maryland 21204-2536
(301) 887-4500Paul H. Reincke
Chief

JUNE 19, 1989

J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner: MERCY VILLA, INCORPORATED

Location: SW/S of BELLONA AVENUE, 198' SE OF CENTERLINE OF RODGERS FORGE ROAD

Item No.: 538 Zoning Agenda: JUNE 20, 1989

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.

NEW ADDITION SHALL ACCESS ROAD FOR FIRE APPARATUS AROUND 50% OF BUILDING IF UNSPRINKLERED, 25% IF FULLY SPRINKLERED

REVIEWER: [Signature] Noted and Approved [Signature]
Planning Group Fire Prevention Bureau
Special Inspection Division

JK/KEK

JOINT RETIREMENT PROJECT

SISTERS
OF
MERCYMISSION HELPERS
OF THE
SACRED HEARTZoning Variance
September 6, 1989
Items No. 538, Case No. 90-79-A

Mercy Villa has served as a Convent for forty-eight retired members of the Sisters of Mercy since 1974. With the need to provide for an increasing number of retired Sisters, plans have been developed for an addition to the present Convent residence.

In planning the addition, care has been taken to endeavor to provide for the convenience of care for the retired Sisters while preserving religious community values. These values include access to Chapel, Dining Room, Activity Center and other interactions among members who have spent at least fifty years as members of the Religious Order.

Various plans were considered. The most favorable would be to directly attach the addition to the existing Mercy Villa so that interaction among the Sisters and shared religious and communal activities can continue.

1001 WEST JOPPA ROAD, BALTIMORE, MD. 21204 301-821-5687

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353J. Robert Haines
Zoning Commissioner

DATE: 9-11-89

Mercy Villa, Inc.
6806 Bellona Avenue
Baltimore, Maryland 21212

Re: Petition for Zoning Variance
CASE NUMBER: 90-79-A
SW/S Bellona Avenue, 198' SE of c/l of Rodgers Forge Road
6806 Bellona Avenue
9th Election District - 4th Councilmanic
Petitioner(s): Mercy Villa, Inc.
HEARING SCHEDULED: WEDNESDAY, SEPTEMBER 6, 1989 at 2:00 p.m.

Dear Petitioner(s):

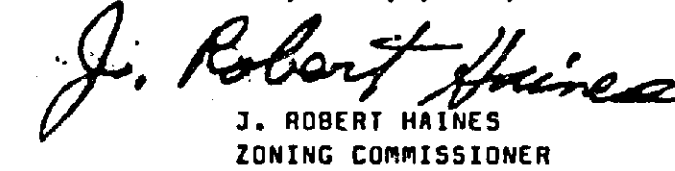
Please be advised that \$120.00 is due for advertising and posting of the above captioned property.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING ON THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please make your check payable to Baltimore County, Maryland. Bring the check and the sign & post set(s) to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 113, Towson, Maryland 21204 (15) minutes before your hearing is scheduled to begin.

Be advised that should you fail to return the sign & post set(s), there will be an additional \$20.00 added to the above amount for each such set not returned.

Very truly yours,


J. ROBERT HAINES
ZONING COMMISSIONER

JRH:gs

cc: Thomas N. Biddison, Jr., Esq.
- File

CERTIFICATE OF PUBLICATION

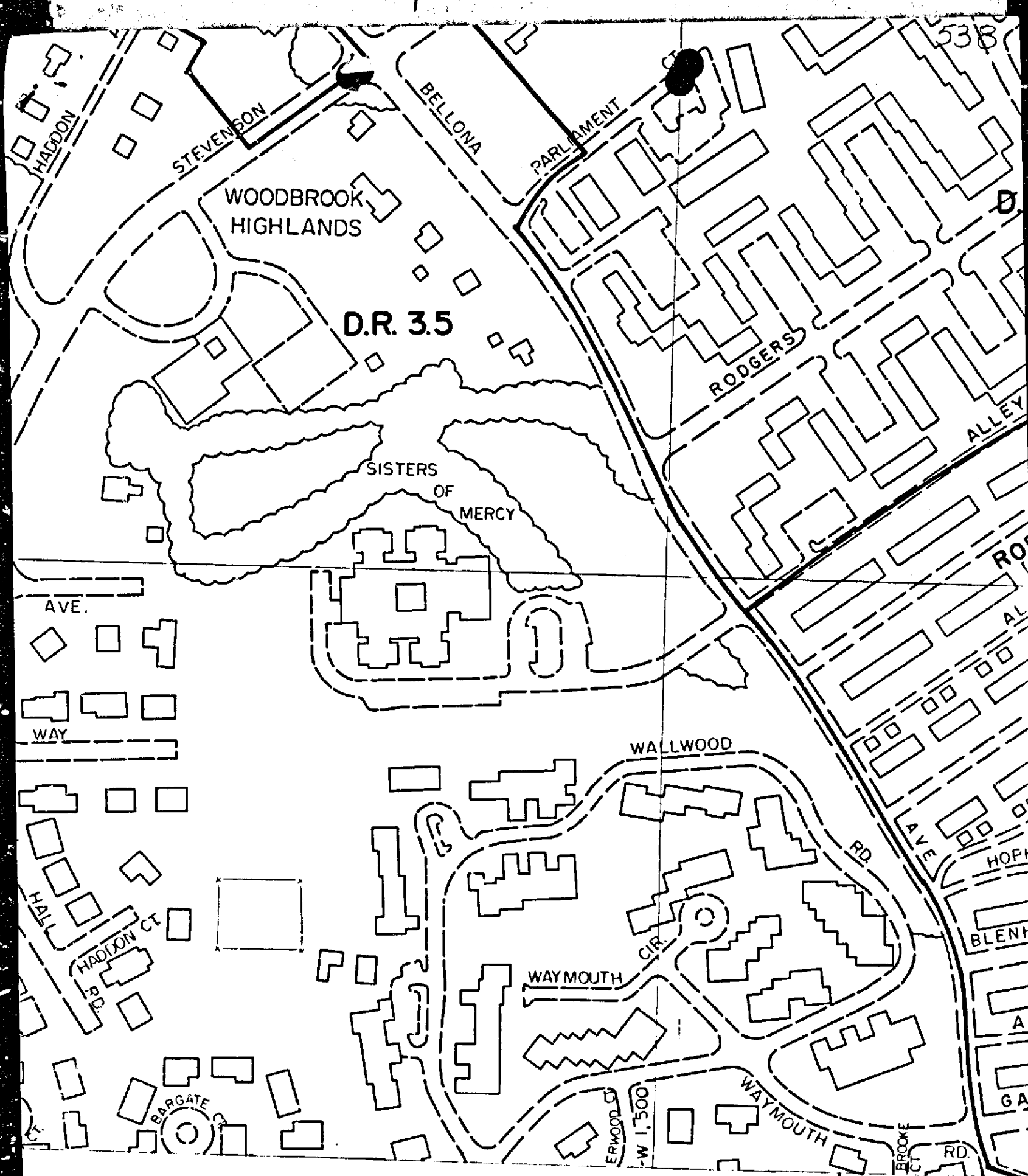
TOWSON, MD. August 10, 1989

THIS IS TO CERTIFY, that the annexed advertisement was published in TOWSON TIMES, a weekly newspaper published in Towson, Baltimore County, Md. once in each of 1 successive weeks, the first publication appearing on August 10, 1989.

THE JEFFERSONIAN
TOWSON TIMES.

S. Zele Olson
Publisher

PO15150
reg 1-31089
re 90-79-1
price \$95.29



TY
D ZONING

INVOICE IN DUPLICATE TO OFFICE OF CENTRAL SERVICES, PENDER SEP ARATE INVOICE FOR EACH ORDER AND EACH SHIPMENT. YOUR FEDERAL ID MUST APPEAR ON YOUR INVOICE.

VENDOR NO. 747164 DATE 07/31/89

ISSUED TO: PAYMENT PUBLISHING CORP 409 PASHILATION AVE BALTO MD 21204

SHIP TO: THE ZONING OFFICE ROOM 109 COUNTY OFFICE BLDG 111 W CHESAPEAKE AVE TOWSON MD 21204

ITEM NO.	COMMODITY NUMBER AND DESCRIPTION	QUANTITY	UNIT	UNIT PRICE	EXTENDED PRICE
1	5020-00-000-0004 REG 151000 TO ADVERTISE ZONING HEARINGS	1	EA		40.00
2	5020-00-000-0015 REG 151000 TO ADVERTISE PETITION FOR ZONING VARIANCE CASE NUMBER 90-79-1 5425 BELLONA AVENUE, 198' SE OF c/l OF ROGERS FORGE ROAD 6805 BELLONA AVENUE 9th ELECTION DISTRICT - 4th Councilmanic PETITIONER(S) MERCY VILLA, INC. HEARING SCHEDULED WEDNESDAY, SEPTEMBER 6, 1989 AT 2:00 P.M.	1	EA		40.00
3	TOWSON TIMES AND JEFFERSONIAN ISSUES 8/9/89 AND 8/16/89	1	EA		40.00

Order subject to cancellation if not delivered within time specified.

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Zoning Variance
CASE NUMBER: 90-79-A
5425 BELLONA AVENUE, 198' SE OF c/l OF ROGERS FORGE ROAD
6805 BELLONA AVENUE
9th Election District - 4th Councilmanic
Petitioner(s): MERCY VILLA, J
HEARING SCHEDULED: WEDNESDAY, SEPTEMBER 6, 1989 at 2:00 p.m.

Variance to allow for the proposed 345 ft. building elevation width in lieu of the permitted 300 feet max.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain my request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER
BALTIMORE COUNTY, MARYLAND

JRHigs

C. Hammond Brown
8838 WALNUTWOOD CIRCLE
BALTIMORE, MD 21212-1214
377-8788

Mr. Dennis F. Rasmussen
County Executive
Baltimore County
Court House
Towson, Maryland 21204

Dear Mr. Rasmussen:

I am writing to protest the construction of the new building at Mercy Villa, 6805 Bellona Avenue, under a variance granted by the Zoning Board of Baltimore County. I request an administrative review of the substantive and procedural aspects of the decision of the Zoning Board in Case No. 90-79-A, and the compliance therewith during construction to date.

I am a resident of Charlesbrooke, the community which abuts the Mercy Villa property on the south, having been developed from land originally owned by Mercy Villa.

The only notice of the proposed construction which I had was the sign posted at the Bellona Avenue entrance to Mercy Villa. Mercy Villa did not contact the Charlesbrooke Community Association or anyone in the community personally or by letter.

Current examination of the file in the Zoning Board shows that the Board ordered a notice of the application for a variance to be published once in two newspapers of general circulation in Baltimore County. The file shows that the notice was only published in the Towson Times, which is not delivered in Charlesbrooke.

From an examination of the file in the Zoning Board made prior to the hearing, there appeared to be no threat to Charlesbrooke from the proposed construction as the building was to be set back 50 feet from the property line. Current examination of the file shows the only site plan, dated May 4, 1989, with a fifty foot set back.

However, somewhere along the line - where and how is not at all apparent from the Zoning Board file - the plans were changed, without an additional hearing being held that I am aware of, and the Zoning Board has approved the building to be erected 25 feet from the property line. This was accomplished by the order of the Zoning Board which increased the overall length of the building from 320 feet to 345 feet, with the additional 25 feet being taken from the set back from Charlesbrooke. In my opinion, this was a substantive change in plans of which due notice should have been given. Current examination of the Zoning Board file shows a letter from the Zoning Superintendent dated May 30, 1989 referring to the overall length of the building as 320 feet.

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

May 30, 1989

Mr. Mike S. Hale
Edmunds & Hyde Incorporated
1025 St. Paul Street
Baltimore, Maryland 21202

RE: ZONING & USE VERIFICATION
For Mercy Villa Convent
W/S Bellona Avenue at Rodgers
Avenue, 12 acres - Zoned D.R.3.5
9th Election District

Dear Mr. Hale:

This letter references your correspondence and submitted plan received by this office for zoning approval and use verification of the above listed property which as shown on the 1" = 200' scale zoning map NW-8A to be zoned D.R.3.5 (Density, Residential - 3.5 dwelling units per acre).

According to the information provided, the existing use and proposed expansion of a convent from 50 to 80 members of a religious order is permitted and under Section 1.801.J.A.3 (Baltimore County Zoning Regulations) would be considered to be a church, other building for religious worship, or other religious institution which is permitted as of right in all D.R. zones.

Exceptions to residential transition under Section 1.801.I.B.7.c.4 lists as excepted:

"An addition to an existing church or other building for religious worship, including parking areas and driveways, provided all other applicable zoning regulations, including setback, parking, and screening requirements, are maintained."

I have had discussions with Mercy Villa, their architect and their attorney since the hearing. In those discussions, I had assumed that the Zoning Board approval was proper and directed my comments to the question of the adequacy of the landscaping and screening. The opinion accompanying the Zoning Board order referred to the fact that the site at that time was heavily screened and landscaped with large trees and shrubs. This statement of fact was relied on in the decision as a basis that the neighbors, i.e. Charlesbrooke, would not be adversely affected by the new building. Approval was made contingent upon the fact that the set back, parking and screening requirements be maintained. My conversations with Mercy Villa and their representatives indicate that the trees will be replaced. The tentative, not final, landscape plans reflect this as well.

However, during the construction which has occurred to date, primarily excavation of the site, the screening and the hillside on which the trees and shrubbery were growing have been destroyed and the trees and shrubs removed. Although Mercy Villa has verbally indicated that the hillside will also be restored, as nearly as possible to what it was, my own visual observation of the site leads me to believe that whatever distance there is between the building and the property line will not be sufficient to restore the hillside with the grade and slope which it had previously. It now appears to me also that it may be more like an embankment which will not be able to sustain trees of comparable size and dimension to provide the screening which Charlesbrooke previously enjoyed. I have a further concern that from the storm water management aspect, this could result in erosion, and possibly adversely affect the trees and plantings which exist on the Charlesbrooke side of the property line. Mercy Villa's counsel recently advised me that the architect and engineers are still working on the final grading plans for the project and that he will furnish me with a copy which will describe the topography of the slope. It seems to me that these plans should have been finalized, and reviewed and approved by Baltimore County before the building permit was granted.

I respect the verbal assurances which I have received from Mercy Villa and their representatives, but I have a high level of discomfort about letting the construction proceed without going on record with Baltimore County about my concerns and objections.

I will appreciate your taking whatever action you may feel proper under the circumstances.

Respectfully yours,

Hammond Brown

cc: Councilwoman Barbara Bachur
4th District

Mr. Robert Haines
Zoning Commissioner

Mr. Mike S. Hale
Re: Mercy Villa Convent
May 30, 1989
Page 2

A public hearing (variance) will be required from Section 1801.2.B.2. (B.C.Z.R.) and V.5.4.a (C.M.D.F.) to allow for the proposed 320 ft. building elevation width in lieu of the permitted 300 feet. The required forms and hearing checklist are available at the Baltimore County Zoning Office counter Monday through Friday - 8:30 to 4:30, and it is suggested that this information be obtained and reviewed in person by your representative. The information requested on CRG requirements should be obtained from the office of Current Planning (Phone 887-3355).

Should you require further information, please feel free to contact me at 887-3391.

Very truly yours,

James E. Dyer
JAMES E. DYER
Zoning Supervisor

Michael J. Hellman
BY: JOHN L. LEWIS
Planning & Zoning Associate III

JLL/cer

C. Hammond Brown
8838 WALNUTWOOD CIRCLE
BALTIMORE, MD 21212-1214
377-8788

June 5, 1990

Mr. Dennis Rasmussen
County Executive
Baltimore County
Court House
Towson, Maryland 21204

Dear Mr. Rasmussen:

I wish to supplement my letter to you of May 31.

At the request of Mercy Villa's counsel, I withheld mailing that letter, without prejudice, until we met personally, and Mercy Villa had been given an opportunity to respond to my concerns. The meeting was held yesterday and their counsel explained what had occurred during the approval process. I also received at that time a copy of a letter dated April 3 from their counsel to Mr. Joseph Maranto, Office of Planning and Zoning, which discussed, among other things, how the setback became 25 feet instead of 50. I have now had an opportunity to read that letter, and I am critical of the processes which have been followed.

Mercy Villa apparently was granted a waiver of a County Review Group meeting on the basis that the sketch plan showed an 11,000 square foot addition. In fact, the building permit was granted on the basis of a 16,000 square foot addition. Mercy Villa states that this increase of 5,000 square feet has a "minimal" overall impact on the entire property. The Zoning Office decided that this was not a "material" change. The question I raise is this was not a "material" change. If the addition were in the center of the property, I would agree, but it is entirely at the southern end of the property, next to Charlesbrooke, where the open area has been compressed severely. The difference is "material" to Charlesbrooke.

In addition, Mercy Villa's counsel admits that the waiver and variance were granted on the basis of a plan that showed a 50 foot setback from Charlesbrooke, but that the building plan shows a 25 foot setback. The sketch plan shows the existing building (without the addition) as being 165 feet from the southern property line, when, in fact, it was 125 feet. This change was made on the basis of a field survey subsequent to the zoning hearing. To Villa's counsel characterized this as a "minor inaccuracy". To me, a 40 foot difference in a building's location is not "minor", particularly insofar as it affects the setback, and the basis on which the zoning and building permits were granted.

If the true facts had been presented at the times that the various waivers and approvals were granted, I don't think they would have been so readily forthcoming.

With respect to the grading and the landscaping of the slope next to Charlesbrooke, Mercy Villa renews their verbal assurances that the screening will be adequate. They also indicate the plantings will hold up and grow the way the proposed grading is laid out. They say that the slope will not exceed 45 degrees. I believe that this would be steeper than the prior condition. The removal of the slope during construction is larger than originally represented that it would be, and it has been cut into deeper and closer to the property line, apparently because of the installation of a water line which the County required to be outside the addition. When I consider this, together with all the other changes which have been made, I am uneasy.

I have no desire to interfere with construction by a charitable institution for a worthwhile purpose, but I believe that even this, and perhaps especially this, should be done in accordance with properly considered laws and regulations so that a substantial injustice will not be done to a neighboring community.

Respectfully yours,

Hammond Brown

cc: Councilwoman Barbara Bachur
4th District

Mr. Robert Haines
Zoning Commissioner

Your first concern related to the Waiver Request Form which requested a waiver of the CRG meeting and plan for an accessory structure. Notwithstanding the information on the Request Form, the accompanying cover letter and site plan clearly

Mr. Joseph V. Maranto
April 3, 1990
Page 2

indicated that the project was for a building addition and requested a waiver based upon a building addition. The Planning Board action also reflects that the plans were for a building addition. The waiver request and the grant of the waiver clearly meet the requirements of Section 22-43.

The sketch plan filed with the CRG Waiver Request proposed an 11,000 square foot building. The building permit shows a 16,000 square foot structure. The sketch plan, which was never meant to be any more than a concept plan as intended under the development regulations reflected the project at that stage of its development. As time progressed, the Sisters needed to find space for five additional beds, hence the enlargement in the building. Since the addition is being constructed over the existing driveway, the overall impact of this increase in square footage on the entire property is minimal. There will be a less than two percent decrease in the open space on the site as a result of this minor enlargement. The question to be addressed pursuant to the Development Regulations and the Zoning Regulations is whether the change in the plan is material. When the zoning office reviewed the building permit they were required to ask the same question that you are now facing: Has there been any material change? The Zoning Office obviously decided that there was not any material change and they signed off on the building permit application. We do not believe that this change in concept is a material change. No further action is required by the property owner or Baltimore County.

The waiver and the variance were granted based upon a plan that showed a 50 foot building setback from the southern property line. The building plan now shows a 25 foot setback. The sketch plan also showed the existing building approximately 165 feet from the southern property line and the building permit plan shows the existing building approximately 125 feet from the southern property line. These changes occurred as a result of a field survey which was performed subsequent to the zoning case. Petitioner's Exhibit 1 in the zoning case clearly indicates that a field survey had not yet been performed and that it would need to be done in the future prior to the building permit application. The metes and bounds description provided on the earlier plans is the same as that which appears on the building permit plans. However, the subsequent field survey disclosed the minor inaccuracy of the building location. The setback on the northern side of the property has been increased in an equal amount. Since the service road will now travel around the northern side of the building, we should be pleased that its impact will be further limited by this increased setback.

Mercy Villa Retirement Home
page 2

I have met with Mr. Michael Hale, of Edmunds and Hyde, and informed him that the building permit for this project will not be released without resolving the above matters to the satisfaction of the Office of Planning and Zoning. Recognizing the time constraints and importance of this project to the Sisters, several options were suggested to avoid unnecessary delay. Among those options, the original waiver may be reactivated for consideration by the Planning Board provided all discrepancies are rectified and access to McKim Avenue is eliminated. A proposed service road connection to McKim Avenue will result in a recommendation to deny a waiver of CRG meeting. I will keep you informed of any future waiver request(s) and action on this project.

At this point our staff will continue to work with Mr. Hale and the community to resolve these issues in a timely manner. As always, should you have any questions, please do not hesitate to call.

Joseph Maranto

JM:cb

cc: P. David Fields, Director, Office of Planning and Zoning
A. Pat Keller, Deputy Director, Office of Planning and Zoning
Ed Johnson, Planner, Current Planning
LeRoy (Jim) Ogle, Planner, Current Planning

Mr. Joseph V. Maranto
April 3, 1990
Page 3

You had concerns regarding the landscape plan relative to the identification of the service drive to McKim Avenue. Although a review of the vicinity map on the landscape plan and the other plans available in the zoning or planning files would have easily revealed the then intention to connect to McKim Avenue, this issue is now moot. New landscape plans will need to be provided relative to the service drive along the northern side of the property.

Based upon our earlier meetings, it is my understanding that if the community is satisfied and the minor concerns of the Planning Office are addressed, that the building permit will be released by the Current Planning Office. Sediment Control has indicated their willingness to release the building permit prior to release of the grading permit provided the area of disturbance is limited to 20,000 square feet. Since we will need to further adjust the engineering plans to accommodate the relocation of the service road from McKim Avenue to the north side of the property, these changes can be accommodated by revised submissions for the grading permit. The site plan enclosed is legally sufficient to meet the needs of the Current Planning Office and the building permit should be released immediately.

We appreciate the many hours spent by the Planning Office and the community leadership in resolving these several issues. The Sisters of Mercy and Mission Helpers Sisters have worked in good faith and intend to remain good neighbors long into the future.

Please review this site plan immediately upon receipt. As we explained several times earlier, the Sisters' construction schedule has now reached a critical point. If the Sisters are not able to begin construction during the first week of April, we will not be completed by January 1, 1991. At least 12 sisters currently housed in the Mission Helpers Convent on Joppa Road will be evicted from their current home on January 1. The Mercy Villa Project must be completed in order to accommodate these additional Mission Helpers Sisters by no later than January 1. The Sisters of Mercy could easily place a half dozen members of their order in the Mercy Villa addition today if it were completed. The need for this facility is tremendous. I am sure you can appreciate the severe emotional strain that has been placed upon the Sisters due to the untimely delays caused by the withholding of the building permit.

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353
J. Robert Haines
Zoning Commissioner

July 17, 1990



Dennis F. Rasmussen
County Executive

G. Scott Barhight, Esquire
500 Court Towers
210 W. Pennsylvania Avenue
Towson, Maryland 21204-4515

RE: Mercy Villa, Inc.
Case No. 90-79-A

Dear Mr. Barhight:

The purpose of this letter is to follow up our telephone conversation of July 13, 1990 and to respond to your letters dated July 11 and 17, 1990. As you know, upon my learning of the construction undertaken by Mercy Villa was different from that approved in the above referenced case, as set forth in Petitioner's Exhibit No. 1, a letter dated June 21, 1990 from Kurt Kugelberg of this office was forwarded to you. Said letter was sent at my instruction to ascertain the reasons for the differences and to inform the Petitioner that I was considering issuing a stop work order, as the changes may be found to be a serious deviation from the plan approved in the above referenced case. The variance granted was subject to the plans submitted.

At the time of being informed of the differences, I did not feel that I had enough facts to determine the appropriateness of issuing, or not issuing, a stop work order and felt the Petitioner should be given an opportunity to have input prior to a decision being made. After further review and discussions with you, on behalf of the Petitioner and the members of the Charlesbrooke Community Association, it is my opinion that a public hearing is required in order to determine the appropriateness of the modification of Petitioner's Exhibit No. 1 in the above referenced case.

The Petitioner's request that a stop work order not be issued will be honored if two conditions are met:

1. Petitioner understands and agrees it is proceeding at its own risk.
2. Petitioner voluntarily files a Petition for Special Hearing within ten days from the date of this letter.

Mr. Joseph V. Maranto
April 3, 1990
Page 4

I will be contacting you to confirm that the Current Planning Office has released the building permit and that construction may begin on the addition. Thank you for your prompt attention to this very serious and important matter.

Sincerely,
G. Scott Barhight

GSB:sbt
Enclosure

cc: Sr. M. Kathleen Steinkamp
Mr. Thomas Stokes
The Honorable Barbara F. Bachur
Mr. P. David Fields
Mr. A. Pat Keller
Mr. Leroy (Jim) Ogle

G. Scott Barhight, Esquire
page 2.....

As I explained, handling this matter informally is inappropriate. A public hearing will insure that all interested parties have notice of the hearing and an opportunity to be heard. At that time, any testimony or documentation your client, members of Charlesbrooke Community Association, and/or any other interested party wish to present regarding a modified landscaping plan may be introduced, as well as any other relevant information.

Thank you for your consideration and immediate attention to this matter.

Very truly yours,

Ann Nastarowicz
Deputy Zoning Commissioner

cc: C. Hammond Brown, Esquire
cc: Thomas Peddicord, Esquire
cc: Ms. Doris Dickinson
cc: Mr. and Mrs. Tage Jacobsen
cc: Mr. and Mrs. Philip Scott, Jr.

INTER-OFFICE MEMO
BALTIMORE COUNTY, MARYLAND

March 12, 1990

TO: Honorable Barbara F. Bachur

FROM: Joseph V. Maranto

SUBJECT: Mercy Villa Retirement Home
W-89-156
Permit # B036704, Control # C-2081-89

As you requested, this is just a brief memo to keep you apprised of the Mercy Villa Retirement Home project. A waiver of CRG (County Review Group) meeting and CRG plan was granted by the Baltimore County Planning Board on July 20, 1989. A final landscape plan was reviewed and approved by the Division of Current Planning on February 28, 1990. Having satisfied County agency requirements, the building permit application is in the process of being reviewed by this office.

As of March 8, 1990, numerous inconsistencies have been highlighted by our staff which will forestall release of the Mercy Villa building permit. Namely,

- A waiver of CRG meeting and plan was requested for an accessory structure; however, the proposed use does not meet the definition of an accessory structure (B.C.Z.R.) and is, in fact, considered a building addition.
- The sketch plan and justification submitted with the waiver application proposes an 11,000 square foot building; however, the building permit plan shows a 16,000 square foot building.
- The waiver was granted on the basis of a 50 foot building setback from the southern property line; however, the building permit plan shows a 25 foot setback.
- The sketch plan submitted with the waiver application shows the existing building located 170 feet ± from the southern property line; however, the building permit plan shows the existing building 120 feet ± from the same property line.
- The waiver was granted on the premise that "the use will remain consistent with the surrounding community" (quotation no adverse impact on the surrounding community" (quotation from the petitioner's submittal). Baltimore County has subsequently received community input that indicates the proposed extension of McKim Avenue for a new service road entrance may have a potentially adverse impact on the narrow residential street.
- The landscape plan misrepresents the petitioner's intended purpose to connect a service drive to McKim Avenue.

Baltimore County, Maryland
Executive Office
Courthouse Mezzanine
Towson, Maryland 21204
(301) 887-2450
TDD (301) 887-3728
Fax (301) 887-5781

June 21, 1990



Dennis F. Rasmussen
County Executive

Mr. C. Hammond Brown
6839 Walnutwood Circle
Baltimore, Maryland 21212-1214

Dear Mr. Brown:

Thank you for your letters of May 31 and June 5, 1990, regarding your problems with Mercy Villa at 6806 Bellona Avenue.

I have discussed this matter with J. Robert Haines, Zoning Commissioner and he informs me that Kurt Kugelberg of his staff is investigating this matter and should be in contact with you.

I can understand your concern regarding the procedural matters that you have raised and hope that they can be resolved to everyone's satisfaction.

If you have any further questions, please feel free to call Mr. Kugelberg at 887-8128.

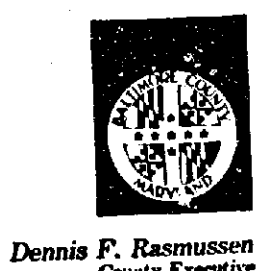
Very truly yours,

Dennis F. Rasmussen
County Executive

DFR/jat

Baltimore County, Maryland
Executive Office
Courthouse Mezzanine
Towson, Maryland 21204
(301) 887-2450
TDD (301) 887-3728
Fax (301) 887-5781

July 11, 1990



Dennis F. Rasmussen
County Executive

Doris K. Dickinson
6634 Walnutwood Circle
Baltimore, Maryland 21212

Dear Ms. Dickinson:

Thank you for your letter of June 28, 1990, regarding your problems with Mercy Villa at 6806 Bellona Avenue.

I have discussed this matter with J. Robert Haines, Zoning Commissioner and he informs me that Kurt Kugelberg of his staff is investigating this matter.

I can understand your concern regarding the procedural matters that you have raised and hope that they can be resolved to everyone's satisfaction.

If you have any further questions, please feel free to call Mr. Kugelberg at 887-8128.

Very truly yours,

Dennis F. Rasmussen
County Executive

DFR/jat

Baltimore County, Maryland
Executive Office
Courthouse Mezzanine
Towson, Maryland 21204
(301) 887-2450
TDD (301) 887-3728
Fax (301) 887-5781

July 11, 1990



Dennis F. Rasmussen
County Executive

Mr. & Mrs. Tage Jacobsen
6640 Walnutwood Circle
Baltimore, Maryland 21212

Dear Mr. & Mrs. Jacobsen:

Thank you for your letter of June 28, 1990, regarding your problems with Mercy Villa at 6806 Bellona Avenue.

I have discussed this matter with J. Robert Haines, Zoning Commissioner and he informs me that Kurt Kugelberg of his staff is investigating this matter.

I can understand your concern regarding the procedural matters that you have raised and hope that they can be resolved to everyone's satisfaction.

If you have any further questions, please feel free to call Mr. Kugelberg at 887-8128.

Very truly yours,

Dennis F. Rasmussen
County Executive

DFR/jat

Baltimore County, Maryland
Executive Office
Courthouse Mezzanine
Towson, Maryland 21204
(301) 887-2450
TDD (301) 887-3728
Fax (301) 887-5781

July 11, 1990



Dennis F. Rasmussen
County Executive

Margaret & Philip Scott, Jr.
6638 Walnutwood Circle
Baltimore, Maryland 21212

Dear Margaret & Philip Scott:

Thank you for your letter of June 28, 1990, regarding your problems with Mercy Villa at 6806 Bellona Avenue.

I have discussed this matter with J. Robert Haines, Zoning Commissioner and he informs me that Kurt Kugelberg of his staff is investigating this matter.

I can understand your concern regarding the procedural matters that you have raised and hope that they can be resolved to everyone's satisfaction.

If you have any further questions, please feel free to call Mr. Kugelberg at 887-8128.

Very truly yours,

Dennis F. Rasmussen
County Executive

DFR/jat

THOMAS J. PEDDICORD, JR.

ATTORNEY AT LAW
100 WEST ROAD
SUITE 300
TOWSON, MARYLAND 21204
(301) 852-7501

July 3, 1990

Mr. Kurt A. Kugelberg
Office of Planning and Zoning
County Courts Building
401 Bosley Avenue
Towson, Maryland 21204

RE: Mercy Villa

Dear Mr. Kugelberg:

I spoke with you last week on behalf of the Charlesbrooke Community Association regarding correspondence addressed to your office from Mr. C. Hammond Brown.

I am serving as President of the Association this year. The Board of Directors reviewed the above issue, and its members share Mr. Brown's discomfort with the process which has led us to this point. I attended the meeting mentioned by Mr. Brown in his letter of June 5, and I have spoken with Mr. Berthoff on several other occasions. The Association specifically has requested that the area on the south side of the project which abuts Charlesbrooke be regraded, replanted and properly screened so as to be in substantially the same condition as it was prior to construction. We have received verbal assurances that this will be accomplished, but we hope that the County will closely monitor Mercy Villa's compliance with the various permits issued and will also address Mr. Brown's concerns regarding the process.

Very truly yours,

Thomas J. Peddicord, Jr.

TJP/rp

cc: C. Hammond Brown, Esq.

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3253
J. Robert Haines
Zoning Commissioner

G. SCOTT BARRHIGHT
ATTORNEY AT LAW

LAW OFFICES
WHITEFORD, TAYLOR & PRESTON
500 COURT TOWERS
210 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204-4515

June 21, 1990



Dennis F. Rasmussen
County Executive

G. Scott Barrhight, Esq.
40 W. Chesapeake Avenue
Towson, Maryland 21204

Dear Scott:

This office has been informed that you are the present counsel for Mercy Villa, Inc.

This is a follow-up to our telephone conversation of June 21, 1990, wherein you advised that you are the present counsel for Mercy Villa, Inc. In our discussion, you acknowledged that construction is not occurring as was presented at the Public Hearing on September 6, 1989. You maintain that there are no material changes.

I have discussed this matter with Ann Nastarowicz, Deputy Zoning Commissioner and she informs me that it is necessary for you to show that your clients are still meeting the spirit and intent of the matters before the hearing officer. Specifically, address the discrepancies between petitioner's Exhibit 1 and the Landscape Plan as approved by the Planning Office subsequent to Public Hearing.

Please advise immediately if you do not represent Mercy Villa, Inc. as this information must be provided within ten (10) days of the date of this letter or a stop work order may be issued.

If you have any questions regarding this matter, please call me at 887-8128.

Very truly yours,

Kurt Kugelberg
Planner III
Regulations & Policy

KAK/jat

LAW OFFICES
WHITEFORD, TAYLOR & PRESTON

500 COURT TOWERS
210 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204-4515
301-832-2000
FAX: 301-832-2015

July 17, 1990

G. SCOTT BARRHIGHT
DIRECT NUMBER
301-832-2000

HAND DELIVERY

The Honorable Ann M. Nastarowicz
Deputy Zoning Commissioner
Office of Planning and Zoning
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Mercy Villa, Inc.

Dear Ms. Nastarowicz:

This letter is to follow up on our telephone conversation on July 13. Upon receipt of my July 11 letter to you, you contacted me to further discuss this matter. You stated that you needed time to digest the substance of my letter and that you were reconsidering your position with regard to a Stop Work Order.

As I explained, my client's willingness to file a Petition for Special Hearing is based upon your agreement not to file a Stop Work Order pending the resolution of the special hearing. My authority to file the petition does not include a scenario where you may file a Stop Work Order notwithstanding the Petition for Special Hearing.

Shortly after our July 13 conversation, I contacted Mitch Kellman. On July 16 I received a draft Plan to Accompany Petition for Special Hearing for my review. It is my understanding that the surveyor will not be able to provide the zoning description until later this week. Mercy Villa and its consultants have been working diligently to prepare the necessary documents to file the Petition for Special Hearing.

Please contact me at your earliest convenience to inform me of your decision with regard to the Stop Work Order and the filing of a Petition for Special Hearing. As soon as I receive your decision, I will discuss this matter with the

The Honorable Ann M. Nastarowicz
July 17, 1990
Page 2

Sisters at Mercy Villa. If you confirm that no Stop Work Order will be issued pending the resolution of the Petition for Special Hearing, it is my expectation that Mercy Villa, Inc. will instruct me to file the Petition. If you intend to reserve the right to issue such a Stop Work Order pending the resolution of the Petition for Special Hearing, the Sisters will need to reconsider their willingness to file the Petition for Special Hearing. As we have consistently maintained, the construction activities are proceeding legally and consistent with all County approvals. The Sisters may not be willing to voluntarily place themselves at risk through the filing of a Petition for Special Hearing if a Stop Work Order may be issued during the resolution of the Petition for Special Hearing.

The Sisters and I appreciate the considerable time you have given to this very important matter. I will await your reply.

Sincerely,
G. Scott Barrhight

GSB:sbt

Enclosure

cc: Sr. M. Kathleen Steinkamp, RSM
Mr. Frederick J. Vaeth, Jr.
Mr. Mac Baker
C. Hammond Brown, Esquire
J. Morris Byrnes, Esquire
Ascanio S. Boccuti, Esquire
Priscilla C. Caskey, Esquire
Mr. Mitchell J. Kellman

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210 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204-4515
301-832-2000
FAX: 301-832-2015

July 11, 1990

G. SCOTT BARRHIGHT
DIRECT NUMBER
301-832-2000

HAND DELIVERY

The Honorable Ann M. Nastarowicz
Deputy Zoning Commissioner
Office of Planning and Zoning
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Mercy Villa, Inc.

Dear Ms. Nastarowicz:

This letter will confirm the events of the last several days. On June 27, 1990, I received a copy of Mr. Kugelberg's June 21 letter to me. That letter indicated that you desired a showing that Mercy Villa is still meeting the spirit and intent of the variance previously granted and requested that we address the "discrepancies" between Petitioner's Exhibit 1 and the Landscape Plan as approved by the Planning Office. The letter advised that failure to do so within a 10 day period may result in a Stop Work Order.

On June 27, we discussed this matter by telephone. During that conversation, you agreed to consider an informal meeting with all interested parties in an attempt to resolve the matter. By letter to you dated July 3, I confirmed my communications with Mr. Hammond Brown of the Charlesbrooke Community and indicated that we would be attempting to schedule the informal meeting referenced above.

On July 9, you contacted me by telephone to discuss your potential actions in further detail. You indicated that there were too many people interested in this matter to proceed with an informal meeting. You further stated that you were considering issuing a Stop Work Order and requiring a public hearing to address this matter. Additionally, you stated that you would consider not issuing a Stop Work Order if Mercy Villa agreed to file a Petition for Special Hearing.

The Honorable Ann M. Nastarowicz
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Page 2

On July 10, I had two separate telephone conversations. During the first conversation, you provided me with dates and times when an informal meeting might be possible. You expressed your concern that all interested parties be properly notified and given an opportunity to attend the informal meeting.

During our second telephone conversation on July 10, we engaged in a conference call which included Mr. Kurt Kugelberg and Mr. Hammond Brown. After discussing the informal meeting, you decided that it would be inappropriate to attempt such a meeting in this case.

Mercy Villa, Inc. is willing to file a Petition for Special Hearing based upon your assessment that no Stop Work Orders will be issued pending the resolution of this matter. Mercy Villa has consistently maintained throughout all communications with every Baltimore County official and agency representative that the construction activities are proceeding legally and consistent with all County approvals. Any delay will create severe hardship among the Sisters who are planning to move into the Mercy Villa addition.

On July 10, I communicated with the architects for the Mercy Villa Project, Edmund & Hyde, Inc., to determine how quickly the necessary plans could be created for the Petition for Special Hearing. We will endeavor to file the Petition as soon as humanly possible. We appreciate your agreement that we will not have to seek an appointment in the ordinary scheduling process for the filing of the Petition. Pursuant to your instructions, I will communicate directly with either Mitch Kellman or Carl Richards to file the Petition for Special Hearing.

It is important to note that Mercy Villa has been trying to address all concerns raised by the community. I have been in communication with Mr. Hammond Brown and other members of the Charlesbrooke Community Association since the first week of April, 1990. During my communications with Mr. Brown, and Mr. Peddicord, concerns have been raised regarding the proximity of the addition to the southern side yard property line and the ability of the planned landscaping to survive on the slope between the addition and the property line. However, we have never received a concrete and specific demand from the Community Association identifying what changes in the current plan would satisfy their concerns. Mercy Villa stands ready to negotiate in good faith to resolve any dispute.

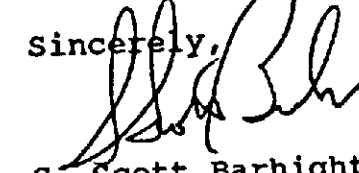
The Honorable Ann M. Nastarowicz
July 11, 1990
Page 3

During our several conversations, I have maintained that Mercy Villa justifiably relied upon the decisions of Baltimore County in issuing the building permit. Any change in the County's position that causes delay will result in immediate and irreparable harm to the infirm Sisters who are to be moved to the Mercy Villa addition.

Prior to issuance of the building permit, several issues were raised by the Office of Planning and Zoning. Included in these issues was the change in the southern side yard setback from 50 to 25 feet. Through several communications with Mr. Joseph Maranto and Mr. Leroy (Jim) Ogle of the Office of Planning and Zoning, and by my enclosed April 3 letter to Mr. Maranto, I explained the Mercy Villa position with regard to these issues. A copy of this letter was provided to the Director and Deputy Director of the Office of Planning and Zoning and to the Fourth District Councilwoman.

Subsequent to my April 3 letter, the building permit was released by the Office of Planning and Zoning. I personally picked up the building permit on April 4, 1990. Justifiably relying upon the issuance of the building permit by Baltimore County, Mercy Villa proceeded with construction soon thereafter.

We appreciate the time and attention that you have given to this matter. I will keep you apprised of the status of the Petition for Special Hearing. Mercy Villa stands ready to negotiate in good faith with any interested parties to resolve the community's concerns. Should you have any questions or comments, please feel free to contact me.

Sincerely,

G. Scott Barhight

GSB:sbt
Enclosure
cc: Sr. M. Kathleen Steinkamp, RSM
Mr. Frederick J. Vaeth, Jr.
Mr. Mack Baker

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WASHINGTON, D.C. 20004
TELEPHONE 202-461-0004

April 3, 1990

HAND DELIVERY

Mr. Joseph V. Maranto
Office of Planning & Zoning
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Mercy Villa Retirement Home
W-89-156
Case No. 90-79-A
Permit No. B036704, Control No. C-2081-89

Dear Joe:

Pursuant to our recent agreement, enclosed is a revised site plan for the Mercy Villa Project. The revised plan shows access to the rear of the building around the north side of the structure. The old plan to extend McKim Avenue for the service road entrance has been abandoned.

Through numerous communications with the Woodbrook Village Community Association, I have confirmed that their only objection to the release of the building permit is the proposed extension of McKim Avenue. Since this proposed extension has been eliminated, the Association's concerns have been fully addressed.

As we discussed, the Current Planning Office had several concerns regarding release of the building permit. This letter will address each of those issues to your satisfaction.

Your first concern related to the Waiver Request Form which requested a waiver of the CRG meeting and plan for an accessory structure. Notwithstanding the information on the Request Form, the accompanying cover letter and site plan clearly

Mr. Joseph V. Maranto
April 3, 1990
Page 2

indicated that the project was for a building addition and requested a waiver based upon a building addition. The Planning Board action also reflects that the plans were for a building addition. The waiver request and the grant of the waiver clearly meet the requirements of Section 22-43.

The sketch plan filed with the CRG Waiver Request proposed an 11,000 square foot building. The building permit shows a 16,000 square foot structure. The sketch plan, which was never meant to be any more than a concept plan as intended under the development regulations reflected the project at that stage of its development. As time progressed, the Sisters needed to find space for five additional beds, hence the enlargement in the building. Since the addition is being constructed over the existing driveway, the overall impact of this increase in square footage on the entire property is minimal. There will be a less than two percent decrease in the open space on the site as a result of this minor enlargement. The question to be addressed pursuant to the Development Regulations and the Zoning Regulations is whether the change in the plan is material. When the Zoning Office reviewed the building permit they were required to ask the same question that you are now facing: Has there been any material change? The Zoning Office obviously decided that there was not any material change and they signed off on the building permit application. We do not believe that this change in concept is a material change. No further action is required by the property owner or Baltimore County.

The waiver and the variance were granted based upon a plan that showed a 50 foot building setback from the southern property line. The building plan now shows a 25 foot setback. The sketch plan also showed the existing building approximately 165 feet from the southern property line and the building permit plan shows the existing building approximately 125 feet from the southern property line. These changes occurred as a result of a field survey which was performed subsequent to the zoning case. Petitioner's Exhibit 1 in the zoning case clearly indicates that a field survey had not yet been performed and that it would need to be done in the future prior to the building permit application. The metes and bounds description provided on the earlier plans is the same as that which appears on the building permit plans. However, the subsequent field survey disclosed the minor inaccuracy of the building location. The setback on the northern side of the property has been increased in an equal amount. Since the service road will now travel around the northern side of the building, we should be pleased that its impact will be further limited by this increased setback.

Mr. Joseph V. Maranto
April 3, 1990
Page 3

You had concerns regarding the landscape plan relative to the identification of the service drive to McKim Avenue. Although a review of the vicinity map on the landscape plan and the other plans available in the zoning or planning files would have easily revealed the then intention to connect to McKim Avenue, this issue is now moot. New landscape plans will need to be provided relative to the service drive along the northern side of the property.

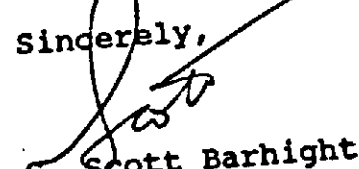
Based upon our earlier meetings, it is my understanding that if the community is satisfied and the minor concerns of the Planning Office are addressed, that the building permit will be released by the Current Planning Office. Sediment Control has indicated their willingness to release the building permit prior to release of the grading permit provided the area of disturbance is limited to 20,000 square feet. Since we will need to further adjust the engineering plans to accommodate the relocation of the service road from McKim Avenue to the north side of the property, these changes can be accommodated by revised submissions for the grading permit. The site plan enclosed is legally sufficient to meet the needs of the Current Planning Office and the building permit should be released immediately.

We appreciate the many hours spent by the Planning Office and the community leadership in resolving these several issues. The Sisters of Mercy and Mission Helpers Sisters have worked in good faith and intend to remain good neighbors long into the future.

Please review this site plan immediately upon receipt. As we explained several times earlier, the Sisters' construction schedule has now reached a critical point. If the Sisters are not able to begin construction during the first week of April, we will not be completed by January 1, 1991. At least 12 Sisters will not be completed from their current home on Joppa Road currently housed in the Mission Helpers Convent on Joppa Road. The Villa Project must be completed in order to accommodate these additional Mission Helpers Sisters by no later than January 1. The Sisters of Mercy could easily place a half dozen members of their Order in the Mercy Villa addition today if it were completed. The need for this facility is tremendous. I am sure you can appreciate the severe emotional strain that has been placed upon the Sisters due to the untimely delays caused by the withholding of the building permit.

Mr. Joseph V. Maranto
April 3, 1990
Page 4

I will be contacting you to confirm that the Current Planning Office has released the building permit and that construction may begin on the addition. Thank you for your prompt attention to this very serious and important matter.

Sincerely,

G. Scott Barhight

GSB:sbt
Enclosure
cc: Sr. M. Kathleen Steinkamp
Mr. Thomas Stokes
The Honorable Barbara F. Bachur
Mr. P. David Fields
Mr. A. Pat Keller
Mr. Leroy (Jim) Ogle

6638 Walnutwood Circle
Baltimore, Maryland 21212
June 28, 1990

Mr. Dennis Rasmussen, County Executive
Baltimore County Court House
Towson, Maryland 21204

Dear Mr. Rasmussen,

We are Charlesbrooke homeowners immediately adjacent to the construction project now underway at Mercy Villa, 6806 Bellona Avenue, and wish to submit a protest regarding the conditions under which the project has been handled by Mercy Villa and by the County authorities.

Our first knowledge that the new building would be located only 25 feet from the property line separating it from our home was on the day before groundbreaking. We had been concerned about the proposed construction and in January examined the Mercy Villa folder and plans at the County Zoning Office. Those plans showed a 50 foot setback from their (south) property line.

We had no opportunity to review or protest the change to a 25 foot setback which resulted in the removal of a high embankment and mature screening plantings including two white pines about thirty feet high.

We have not had an opportunity to see an elevation or grading plan and final layout of the presently proposed structure so that we would know:

- What we will be looking at.
- What use will be made of the twenty five feet between the building and our property line. (We have been lead to believe that plans may include covered walkways or patios that will further encroach into the setback area and result in steeper embankments as well.)
- What screening or specific landscaping is planned.
- What protections are planned to restore and preserve the embankment and to prevent erosion and storm water runoff which may destroy the bank and impact surrounding property.

Our home is a luxury townhouse with an extensive deck and garden planting at the rear, and we are seriously concerned about the potential devaluation of the property as a result of this encroachment.

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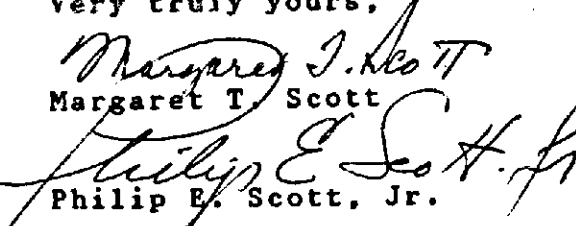
ZONING OFFICE

2.

We understand that Mr. Hammond Brown and Mr. Thomas Peddicord of Charlesbrooke have been in contact with Mercy Villa about these concerns. To our knowledge, there has been no assurance that there is any plan to satisfy these concerns or to reach a conclusion satisfactory to Charlesbrooke neighbors.

We would be happy to have a Zoning Board Member or other official view the situation from our property on the Charlesbrooke side. The architectural firm which designed the project has shown no interest in doing this. Alternatively, perhaps the appropriate County authority can show us the plans and explain how our interests can be safeguarded against further damaging, and unpublishing, changes made by Mercy Villa.

Very truly yours,


Margaret T. Scott
Philip G. Scott, Jr.

Post Script:

Our immediate neighbors are at least equally concerned since their proximity to the construction gives them the same exposure to this addition and to the potential problems outlined here.

They are:

Mr. & Mrs. Tage Jacobsen
6640 Walnutwood Circle

Doris K. Dickinson
6634 Walnutwood Circle

cc: Councilwoman Barbara Bachur
4th District

Mr. Robert Haines
Zoning Commissioner

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G. SCOTT BARHIGHT
DIRECT NUMBER
301-452-2000

July 11, 1990

FEDERAL EXPRESS

Mr. C. Hammond Brown
6619 Walnutwood Circle
Baltimore, Maryland 21212-1214

Re: Mercy Villa Project

Dear Mr. Brown:

As you are aware, Mercy Villa, Inc. intends to file a Petition for Special Hearing regarding the Mercy Villa Project adjacent to the Charlesbrooke Community. The Deputy Zoning Commissioner has requested that we file this Petition as soon as possible.

In light of the potential conflict of interest, Whiteford, Taylor & Preston is seeking the consent of both you and the Mercy Villa to continued representation of Mercy Villa through the petition process. Mercy Villa has already given its consent to this continued representation.

We respectfully request that you consent to the continued representation by Whiteford, Taylor & Preston of Mercy Villa. Since the Deputy Zoning Commissioner would like prompt action in this matter, please consider this request immediately. If the Mercy Villa needs to seek other counsel, additional time will likely be needed to proceed.

Please communicate your response in writing to me directly. Upon receipt of your response, Whiteford, Taylor & Preston will determine how to proceed.

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ZONING OFFICE

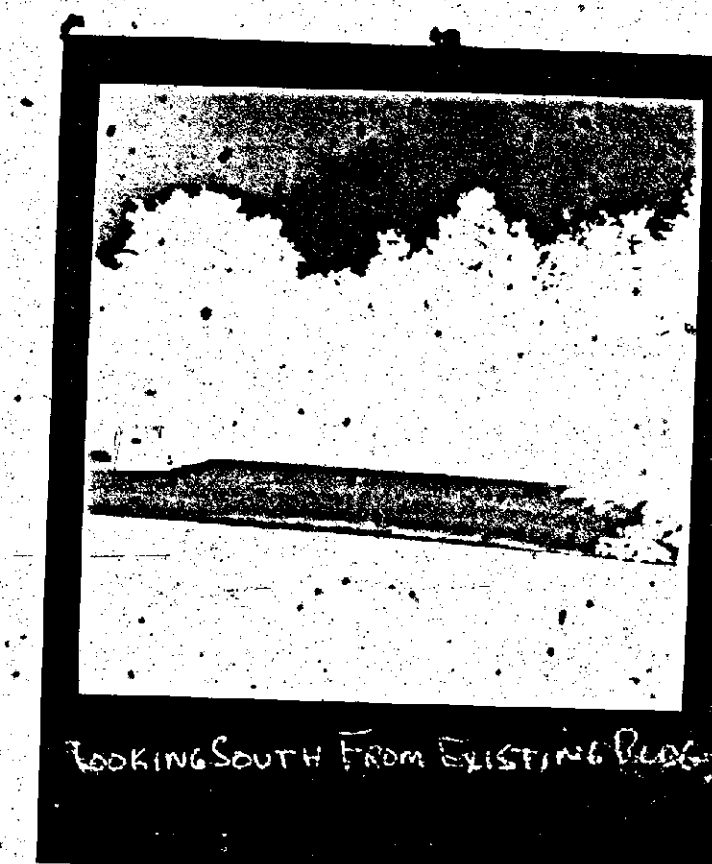
Mr. C. Hammond Brown
July 11, 1990
Page 2

Should you have any questions or comments, please feel free to contact me. I look forward to your written response.

Sincerely,

G. Scott Barhight

CSB:sh
Enclosure
cc: The Honorable Ann M. Nastarowicz
Sr. M. Kathleen Steinkamp
Mr. Frederick Vaeth
Ascanio S. Boccuti, Esquire
Priscilla C. Caskey, Esquire



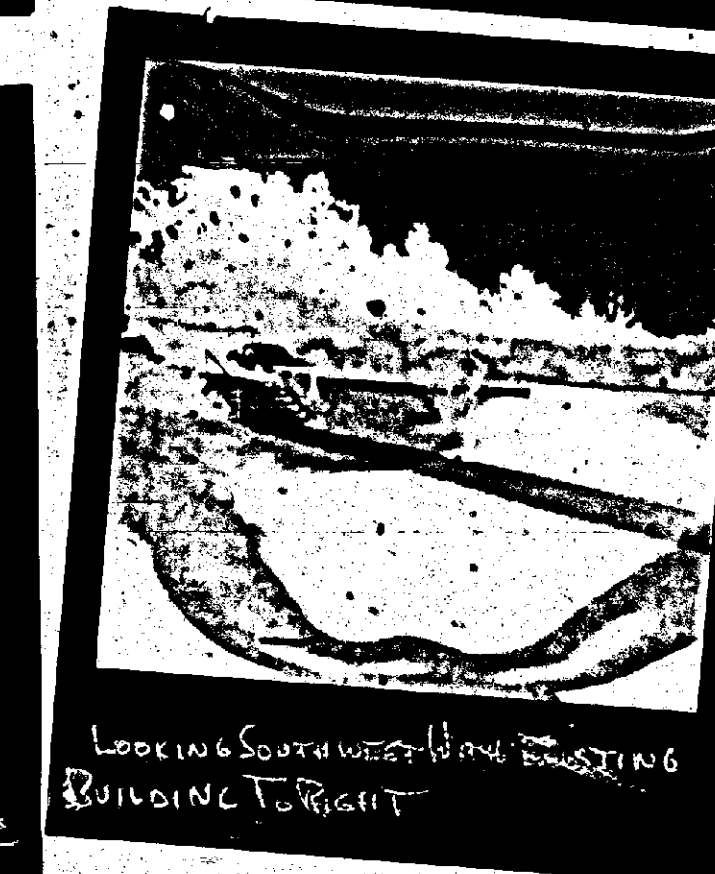
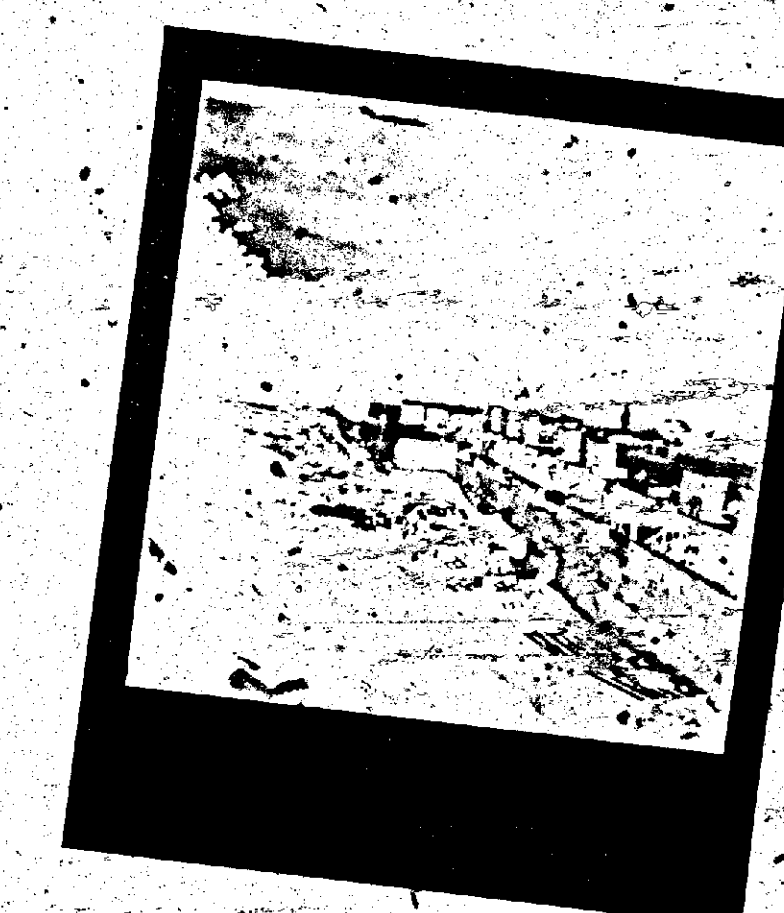
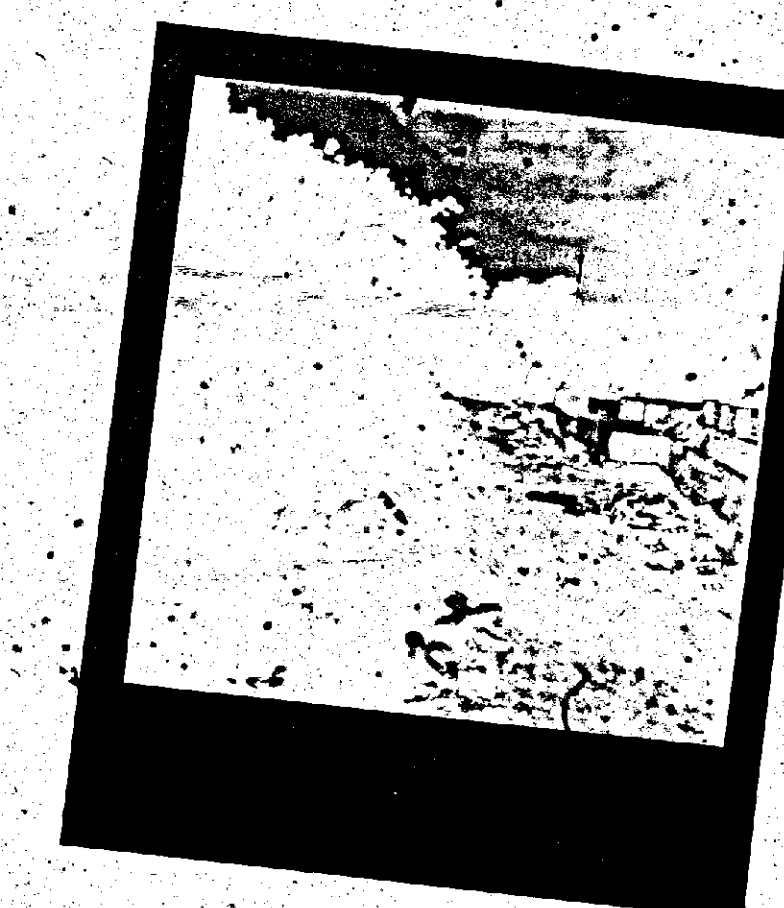
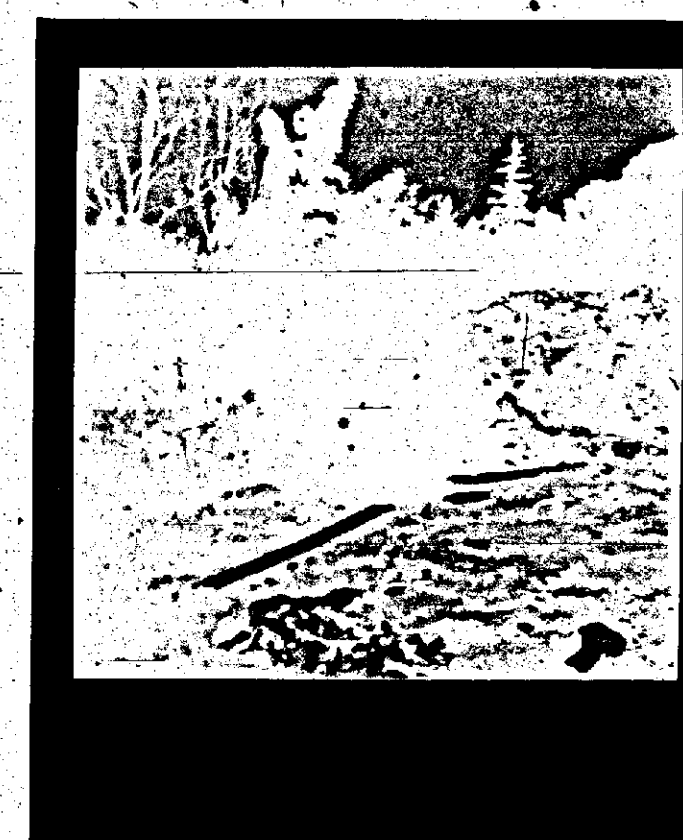
LOOKING SOUTH FROM EXISTING BLDG.



LOOKING WEST WITH EXISTING BLDG. ON RIGHT



LOOKING NORTH TOWARDS EXISTING BLDG.



LOOKING SOUTHWEST WITH EXISTING BLDG. ON RIGHT CORNER OF PICTURE

LOOKING SOUTHWEST WITH EXISTING BUILDING TO RIGHT

LOOKING NORTH TOWARDS EXISTING BLDG. FROM CORNER OF PARKING LOT

LOOKING EAST WITH EXISTING BLDG. ON LEFT